



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/838,310

04/19/2001

Nicholas A. Langrind

102689-85

3608

21125

7590

09/10/2004

NUTTER MCCLENNEN & FISH LLP  
WORLD TRADE CENTER WEST  
155 SEAPORT BOULEVARD  
BOSTON, MA 02210-2604

EXAMINER

COULTER, KENNETH R

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/838,310

Applicant(s)

LANGRIND ET AL.

Examiner

Kenneth R Coulter

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The disclosure is objected to because of the following informalities:  
a "CROSS-REFERENCE TO RELATED APPLICATIONS" heading should be inserted in the specification (p. 1, line 1 of the specification);  
U.S. Serial Number information should be inserted in the underlined blank area (p. 1, line 1 of the specification);  
U.S. Patent number information corresponding to U.S. Serial numbers should be inserted in the CROSS-REFERENCE TO RELATED APPLICATIONS Section (p. 1 of the specification).

Appropriate correction is required.

***Information Disclosure Statement***

3. The Examiner requests additional copies of the non U.S. Patent references submitted in an IDS on 7/9/01, since many of the copies submitted are unreadable.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 11 are rejected under 35 U.S.C. 102(e) as being disclosed by Chiles et al. (U.S. Pat. No. 6,363,423) (System and Method for Remotely Generating, Assigning and Updating Network Adapter Card in a Computing System).

5.1 Regarding claim 1, Chiles discloses a method of managing a telecommunications network device, including a plurality of distributed processors coupled together through an isolated Ethernet switch control plane, comprising:

associating each of the distributed processors with an identifier that is unique within the network device (Abstract “The remote server includes a MAC address list that stores MAC addresses that have been assigned to network adapter cards according to serial numbers”; col. 6, lines 43 – 51; col. 7, lines 50 - 58); and

using the identifiers as Media Access Control (MAC) addresses on the Ethernet switch control plane (col. 2, lines 29 - 35).

5.2 Per claim 2, Chiles teaches the method of claim 1, wherein the network device further includes cards inserted within slots in a network device chassis, wherein each of the plurality of distributed processors is located on a different one of the cards, and wherein each of the identifiers comprises a slot identification corresponding to the card on which the identifier's associated processor is mounted (Fig. 1; Abstract; col. 6, lines 43 – 51; col. 7, lines 50 - 58).

5.3 Regarding claim 3, Chiles discloses the method of claim 2, wherein each of the identifiers further comprises additional information related to the card on which the identifier's associated processor is mounted (Fig. 1; Abstract; col. 6, lines 43 – 51; col. 7, lines 50 - 58).

5.4 Per claim 4, Chiles teaches the method of claim 1, wherein the network device further includes cards, wherein each of the plurality of distributed processors is located on a different one of the cards, and wherein each of the identifiers comprises a serial number assigned to the card on which the identifier's associated processor is mounted (Fig. 1; Abstract; col. 6, lines 43 – 51; col. 7, lines 50 - 58).

5.5 Regarding claim 5, Chiles discloses the method of claim 4, wherein each of the identifiers further comprises additional information related to the card on which the

Art Unit: 2141

identifier's associated processor is mounted (Fig. 1; Abstract; col. 6, lines 43 – 51; col. 7, lines 50 - 58).

5.6 Per claims 6 – 11, the rejection of claims 1 – 5 under 35 USC 102(e) (paragraphs 5.1 – 5.5 above) applies fully.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Coulter whose telephone number is 703 305-8447. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

krc

KENNETH R. COULTER  
PRIMARY EXAMINER  
